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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,755

12/08/2003

David A. George

YOR920030318US1

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03/20/2009

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

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SUITE 200

VIENNA, VA 22182-3817

EXAMINER

MACILWINEN, JOHN MOORE JAIN

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

03/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,755

Applicant(s)

GEORGE ET AL.

Examiner

John M. MacIwinen

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/15/2008 have been fully considered.
2. Applicant begins by arguing, regarding the Nagar and Lee references, that "neither of these two references have the purpose of the present invention". Applicant's arguments are not persuasive as they are not directed to the pending claim language.
3. Applicant continues arguing that "in neither Naga nor Lee is there a teaching or suggestion of: '... logging said dialog, by storing, in a memory, predetermined data related to at least one of said inbound requests and said outbound responses ...'". Applicant's argument is persuasive; however, after further consideration, a new grounds of rejection has been made further in view of Bowen (Apache Administrator's Handbook).
4. Applicant continues arguing that because of the pending applications "different purpose" from the prior art, that "the present invention is capable of capturing the wanderings of the user to other web sites" and that Nagar "is an entirely different concept from that of being able to redirect the user's wanderings to other web sites". Applicant's arguments are not persuasive as they are not directed to the pending claim language.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 31, 32, 36, 37, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagar et al. (US 6,604,143 B1), hereafter Nagar, in view of Lee et al. (US 2002/0178381 A1), hereafter Lee, further in view of Bowen (Apache Administrator's Handbook).

7. Regarding claim 1, Nagar shows a method of capturing dialog on a computer network, said method comprising: establishing contact, based on an initial access request to a first network node (col. 4 lines 61 – 55, col. 7 lines 15 - 21), with an intermediary node so that a subsequent dialog is directed through said intermediary node by causing a request inbound to said first network node to be directed to said intermediary node and causing a response outbound from said first network node that responds to said inbound request to be directed to said intermediary node (Fig. 3, col. 5 lines 48 - 61, col. 7 lines 22 - 60)

wherein a plurality of request inbound to said first network node and a plurality of responding outbound responds are directed to said intermediary node, thereby capturing substantially an entirety of a dialog with said network node (Fig. 3, col. 7 lines 22 - 60, col. 6 lines 50 - 53)

in said intermediary node, modifying content of at least one of said inbound requests and outbound responses (col. 5 lines 5 - 6)

and where said dialog continues to be directed to said intermediary address (Fig.

3)

causing a dialog with a second node to be directed through said intermediary node (Fig. 3, col. 6 lines 62 - 67, col. 4 lines 34 - 35) and

logging said dialogue related to at least one of said inbound requests and said outbound responses (col. 6 line 52; col. 7 lines 64 - 67).

Nagar does not explicitly show wherein said inbound request and said outbound response are directed to said intermediary node by causing a network address of said intermediary node to be added to said inbound request and said outbound response, and wherein said modifying said content comprises adding said network address of said intermediary node and wherein said modifying said content comprises adding said network address of said intermediary node to an inbound request and an outbound response.

Lee shows wherein said inbound request and said outbound response are directed to said intermediary node by causing a network address of said intermediary node to be added to said inbound request and said outbound response (Abstract, Figs. 5A and 6, [52]), and wherein said modifying said content comprises adding said network address of said intermediary node and wherein said modifying said content comprises adding said network address of said intermediary node to an inbound request and an outbound response (Abstract, Figs. 5A and 6, [52]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar with that of Lee in order to insure that both incoming and outgoing messages are routed appropriately through the use of well-understood routing methods such as adding headers (Lee, Figs. 4 and 5).

Nagar in view of Lee do not explicitly show where the logged data is predetermined.

Bowen shows logging predetermined data relating to at least one of inbound requests and outbound responses (pgs. 2 - 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee with that of Bowen in order to allow users flexibility and control over recorded information.

8. Regarding claim 31, Nagar in view of Lee and Bowen further show filtering a content of said dialog (Nagar, Fig. 5, col. 3 lines 40 - 62);

analyzing said data (Nagar, col. 3 lines 51 - 58, col. 6 lines 6 - 10, col. 8 lines 10 - 17) in said logging of said dialog (Bowen, pgs. 2 - 6);

displaying at least a portion of said data of said dialog (Bowen, pgs. 2 - 6);

formatting information in said dialog for at least one of logging and displaying said information (Bowen, pg. 2 - 6)

9. Regarding claim 32, Nagar in view of Lee and Bowen further show analyzing said dialog to measure at least one parameter related to said dialog (Bowen, pgs. 6-10).

10. Regarding claim 36, Nagar in view of Lee and Bowen further show wherein said modifying said content comprises adding said network address of said intermediary node to an inbound request and an outbound response (Lee, Abstract, Fig. 5A, Fig. 6, [52]) related to a second node in said network, thereby additionally causing a dialog with said second node to be directed through said intermediary node (Nagar, Fig. 3, col. 6 lines 62-67, col. 4 lines 34-35).

11. Regarding claim 37, Nagar in view of Lee and Bowen further show wherein said first network node comprises a web server (Nagar, Fig. 3 item 325)

said intermediary node comprises a proxy/surrogate server (Nagar, Fig. 3 item 315)

said initial access request and said inbound requests originate from a user's browser and said outbound response are sent to said user's browser (Nagar, col. 5 line 60 - col. 6 line 12) and

said proxy/surrogate server causes said dialog to be directed through said proxy/surrogate server by adding an address of said proxy/surrogate server to contents of said dialog (Lee, [52], Figs. 5, 6A)

12. Regarding claim 38, Nagar in view of Lee and Bowen further show adding said address information of said proxy/surrogate server to requests from said user's browser to other web servers in said computer network and to responses therefrom, thereby allowing said proxy/surrogate server to additionally capture a dialog between said user's browser and said other web servers (Nagar, col. 3 lines 48 - 62, col. 4 lines 36 - 67).

13. Regarding claim 39, Nagar in view of Lee and Bowen further show wherein said first network node comprises a first web server on said computer network (Nagar, Fig. 2) and wherein the directing of dialog traffic through said proxy/surrogate server continues automatically until terminated by said user by making a URL selection that has not been modified for said direction through said proxy/surrogate server, including dialog traffic by said user's browser with web servers on said computer network other than said first web server (Nagar, col. 8 lines 30 - 40).

14. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagar in view of Lee and Bowen as applied to claim 32 above, and further in view of Jawahar et al. (US 2002/0073206 A1), hereafter Jawahar02.

15. Regarding claim 33, Nagar in view of Lee and Bowen show claim 32.

Nagar in view of Lee and Bowen not explicitly show wherein at least one of said at least one parameter that is measured relates to an effectiveness of a web site located at said first network node.

Jawahar02 shows wherein at least one of said at least one parameter that is measured relates to an effectiveness of a web site located at said first network node (Abstract, [86]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee and Bowen with that of Jawahar02 in order to best utilize the log data being collected.

16. Claims 34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagar in view of Lee and Bowen as applied to claim 1 above, and further in view of Plante et al. (US 2002/0161626 A1), hereafter Plante.

17. Regarding claim 34, Nagar in view of Lee and Bowen show claim 1.

Nagar in view of Lee and Bowen not explicitly show wherein at least a portion of said dialog interfaces with a natural language processing module, to allow a context of said dialog to be determined by using said natural language processing module.

Plante shows wherein at least a portion of a dialog interfaces with a natural language processing module, to allow a context of said dialog to be determined by

using said natural language processing module ([38-43]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee and Bowen with that of Plante in order to take context data into account when performing analysis, thus improving the analysis results (Plant, [38-43]).

18. Regarding claim 41, Nagar in view of Lee, Bowen and Plante further show wherein a user's data during said dialog is determined (Plant, [38-43]).

19. Claims 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagar in view of Lee and Bowen as applied to claim 1 above, and further in view of Jawahar et al. (US 6,298,356 B1), hereafter Jawahar01.

20. Regarding claim 35, Nagar in view of Lee and Bowen show claim 1.

Nagar in view of Lee and Bowen not explicitly show wherein modifying allows an interview to be dynamically conducted with a user that contacted said first node with a browser.

Jawahar01 shows allowing an interview to be dynamically conducted with a user that contacted said first node with a browser (col. 15 line 36 – col. 16 line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Nagar in view of Lee and Bowen with that of Jawahar01 in order to improve the ability to gather and log information from the user.

21. Regarding claim 40, Nagar in view of Lee, Bowen and Jawahar further show modifying an outbound response (Lee, [39], Nagar, Abstract) before passing it to a user

in order to conduct an interview with the user (Jawahar01, Figs. 9, 12, 13, col. 3 lines 50 – 67, col. 15 line 36 – col. 16 line 7).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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